

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3091
	)	
V.	)	
	)	MEMORANDUM AND ORDER
TIMOTHY M. FELTON,	)	
	)	
Defendant.	)	

The defendant has moved to continue the deadline for filing pretrial motions and to continue the trial now set for November 1, 2010, (filing no. [32](#)), due to ongoing discussions regarding discovery issues between the United States and the defendant. The government does not oppose the requested continuance. The Court finds the defendant's motion will be granted.

IT IS ORDERED:

- 1) Defendant Timothy M. Felton's motion to continue the deadline for filing pretrial motions, (filing no. [32](#)), is granted, and defendant's pretrial motions shall be filed no later than October 22, 2010.
- 2) The ends of justice will be served by granting defendant's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between October 7, 2010 and October 22, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) Trial of this case is continued pending resolution of any pretrial motions filed.

October 8, 2010.

BY THE COURT:  
s/ Cheryl R. Zwart  
United States Magistrate Judge